

# COHEN & GREEN

November 14, 2023

Hon. Vera M. Scanlon, U.S.M.J.  
United States District Court  
Eastern District of New York  
225 Cadman Plaza East, 1214 South  
Brooklyn, New York 11201

By Electronic Filing.

**Re: York v. City of New York, 22-cv-06432**

Dear Judge Scanlon:

As the Court likely recalls, I am co-counsel for Plaintiff in the case above. As directed at the most recent conference and on the docket (Nov. 3, 2023 Minute Order), I write jointly with Defendants to provide a status report and a proposal for a discovery and case schedule.

As it stands, because of the settlement track the case was on, Plaintiff has not named Doe Officers yet (the main Doe is known; Plaintiff intends to attempt to identify the others shortly, as set out below). Likewise, the Court's direction that the sexual assault-based *Monell* claim should be further "honed" (Mar. 6, 2023 Minute Order) remains outstanding for the same reasons.<sup>1</sup>

Defendants are unclear as to what was meant by the Court's March 6, 2023 Order staying discovery until Plaintiff's *Monell* claim is "honed" and reserve the right to request a further conference to address *Monell* discovery and/or to move to bifurcate *Monell* discovery following the parties exchange of initial discovery and meeting and conferring with Plaintiff's counsel.

In light of all of that, as well as the upcoming holidays and the related unavailability for necessary parties for depositions and document collection, the parties propose the following schedule:

- To the extent not already served, initial document requests and interrogatories on or before 11/30/2023;
- Both parties shall cooperate and use best efforts to identify Defendants John Doe 1 and John Doe 3 on or before 12/07/2023; if Plaintiff believes some document requires expedited production to accomplish this, she may file a motion seeking it after meeting and conferring with Defendants on or before 12/14/2023;

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<sup>1</sup> On October 31, 2023 (e.g., the evening of the conference), Plaintiff served a set of Requests for Admission that she believes will significantly help in that regard, and part of the proposal below is based on that timing. Defendants will provide their positions on the requests in due course.



- Plaintiff shall file an amended complaint joining any identified Doe officers and amending her sexual assault-related *Monell* claim on or before 1/05/23;
- The parties will complete all fact discovery by 05/07/2023;
- If the parties perform expert discovery, they will serve initial disclosures by 6/6/2023;
- Initial expert reports will be served by 7/8/2023;
- Rebuttal expert reports will be served by 8/6/2023; and
- All discovery, including expert depositions, will be completed by 10/7/2023, and the parties will file a joint letter on that same date certifying the close of all discovery.

As ever, we thank the Court for its time and consideration.

Respectfully submitted,

/s/

J. Remy Green

*Honorific/ Pronouns: Mx., they/ their/ them*

**COHEN&GREEN P.L.L.C.**

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cc:

All relevant parties by ECF.